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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(T. 8, U.S.C. §§ 1326(a)  
and 1326(b)(1))

JAVIER MACHADO,  
also known as "Javier Manchado,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL SAYED, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about January 12, 2014, within the Eastern District of New York and elsewhere, the defendant JAVIER MACHADO, also known as "Javier Manchado," being an alien who had previously been arrested and convicted of a felony, and was thereafter excluded and removed from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(1)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Deportation Officer with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about January 12, 2014, New York City Police Department ("NYPD") officers assigned to the 109th Precinct arrested the defendant in Queens, New York for second degree menacing with a weapon, in violation of New York State Penal Law Section 120.14, and fourth degree criminal possession of a weapon with intent to use, in violation of New York State Penal Law Section 265.01. On or about March 12, 2014, the defendant was taken into ICE custody.

3. A review of the defendant's criminal history indicates that on December 7, 2006, the defendant was convicted of second degree attempted robbery, in violation of New York State Penal Law Section 160.10, a Class D felony. The defendant, a citizen of El Salvador, was sentenced to time served. The defendant was removed from the United States on June 4, 2007.

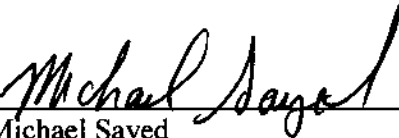
4. The defendant's fingerprints were taken on January 12, 2014 when he was taken into NYPD custody. An official from ICE trained in fingerprint analysis compared the fingerprints taken in connection with the defendant's January 12, 2014 arrest with the fingerprints taken in connection with the defendant's December 7, 2006 conviction and June 4, 2007 removal, and determined that the three sets of fingerprints were made by the same individual.

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<sup>1</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

5. A search of ICE records has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant JAVIER MACHADO be dealt with according to law.

  
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Michael Sayed  
Deportation Officer  
United States Immigration and Customs Enforcement

Sworn to before me this  
12th day of March, 2014

  
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